

FOR THE CONGRESSIONAL RECORD

November 1, 2007

**Statement of Congressman Pete Stark  
Supporting Reform of Archaic Mining Laws**

MR. STARK: Madam Speaker, I rise today in support of reforming one of the most antiquated laws still on the books. The General Mining Law of 1872 has remained essentially unchanged since Ulysses S. Grant was president. Originally intended to spur westward expansion, the law has become an environmental and fiscal trainwreck. Today we have a chance to reform this relic by passing the Hardrock Mining and Reclamation Act of 2007 (H.R. 2262).

Back in 1872 individual miners used hand tools to look for gold and silver, now multi-national corporations blast the tops off of mountains and produce chemicals such as cyanide, arsenic, and mercury that leach into streams and groundwater long after mining operations cease. Much has changed, but the law has not.

For 135 years, mining companies have been the beneficiaries of public largesse that would make even Haliburton blush: over \$245 billion worth of minerals have been removed from public lands virtually free of charge. Taxpayers have then been expected to foot the bill for the massive clean-up of abandoned mines to the tune of at least \$30 billion. Under the 1872 law, mining takes precedence over every other concern—environmental protection, recreation, or safety. The mining industry, which is responsible for more federal Superfund sites than any other industry, pays no royalties on extracted metals. In addition, through the “patent” process, companies can force the sale of public lands for as little as \$2.50 per acre. Patenting has resulted in the sale of over 3 million acres of public property at far below market value.

In my home state of California, a recent study found over 21,000 existing mining claims within 10 miles of national parks, monuments, and wilderness areas. The 285 claims within 10 miles of Yosemite threaten one of the nation’s most visited and spectacular parks.

The bill before us protects sensitive lands in California and throughout the west by creating

environmental safeguards, transparency, and public participation. Some lands, such as wilderness study areas, would be completely off-limits. In other areas, new mines would be permitted only after a showing that they are not environmentally destructive. Local governments can also challenge new projects. The bill restores fiscal sanity by ending the practice of “patenting” and requiring that new mines pay an 8% royalty and existing mines pay 4%, both reasonable rates and well below what the coal and oil industries pay. These royalties are then put into a fund to pay for the clean up of old mines.

It is time to fix a law that deserves to disappear into the dustbin of history. I urge all of my colleagues to vote for reform.